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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,829	10/02/2003	Craig Ogg	61135/P024US/10303362	9780
29053 7590 09/16/2008 FULBRIGHT & JAWORSKI L.L.P 2200 ROSS AVENUE SUITE 2800 DALLAS, TX 75201-2784				
EXAMINER				
VETTER, DANIEL				
ART UNIT		PAPER NUMBER		
3628				
MAIL DATE		DELIVERY MODE		
09/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/677,829

Applicant(s)

OGG, CRAIG

Examiner

DANIEL P. VETTER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 and 39-52 is/are pending in the application.
- 4a) Of the above claim(s) 39-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. Claims 14-27 and 32-38 were previously pending in this application. Claims 14, 26, and 27 were amended, and new claims 39-52 were added in the reply filed June 30, 2008. Claims 14-27 and 39-52 are currently pending in this application.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 30, 2008 has been entered.

Response to Arguments

3. Applicant's arguments with respect to the rejections made under §§ 102 and 103 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

4. Newly submitted claims 39-52 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 14-27, drawn to a method of accessing a remote postage account, classified in class 705, subclass 401.
- II. Claims 39-46, drawn to a postage kiosk, classified in class 705, subclass 403.
- III. Claims 47-52, drawn to a method, classified in class 705, subclass 401.

The inventions are distinct, each from the other because of the following reasons:

5. Inventions I and III are related to invention II as processes and apparatus for their practice. The inventions are distinct if it can be shown that either: (1) the process as

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claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case both processes can be performed by a materially different apparatus other than the one set forth in invention II, such as one lacking a payment acceptance means.

6. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II has separate utility such as configuring a meter to access a particular account configured for an alternate use. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

7. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;

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- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
 - (d) the prior art applicable to one invention would not likely be applicable to another invention;
 - (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.
8. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 39-52 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 14-18, 20-21, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce, et al., U.S. Pat. No. 6,151,591 (Reference A of the PTO-892 part of paper no. 20071012) in view of Willoughby, et al., Intl. Pat. Pub. No. WO 02/093498 (Reference N of the attached PTO-892).
11. As per claim 14, Pierce teaches a method of accessing a remote postage account from a local postage evidencing device, comprising: connecting to a remote postage evidencing system via a local postage evidencing device (col. 5, lines 40-42), said local postage evidencing device having a local postage account (col. 5, lines 40-41); identifying a remote postage account on the remote postage evidencing system that is to be used to print postage on the local postage evidencing device (col. 5, lines

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62-63); selecting a desired postage amount to be printed on the local postage evidencing device (col. 7, line 48); reducing a balance on the remote postage account (col. 5, lines 66-67) without transferring the value of the postage amount to the local account, thereby maintaining a same local postage account balance (col. 3, lines 45-50); and printing the desired postage amount on the local postage evidencing device (col. 8, lines 2-4). Although Pierce teaches providing access to a plurality of remote postage accounts (e.g., in Fig. 7), Pierce does not explicitly teach configuring the local postage evidencing device to communicate with a plurality of vendors providing access to a plurality of remote postage accounts, and that the identified account is administered by a selected vendor of said plurality of vendors; which is taught by Willoughby (§¶ 0018). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Willoughby so that a user can select another vendor if a particular remote postage provider suffers downtime or exits the industry (as taught by Willoughby; §¶ 0012). Moreover, this is merely a combination of old elements in which each would serve the same function as it did separately, and the addition of this feature to the method disclosed by Pierce could be implemented through routine engineering producing predictable results.

12. As per claim 15, Pierce in view of Willoughby teaches the method of claim 14 as described above. Pierce further teaches printing the desired postage amount on the local postage evidencing device without reducing a balance on the local postage account (col. 6, lines 4-6).

13. As per claim 16, Pierce in view of Willoughby teaches the method of claim 14 as described above. Pierce further teaches authenticating a user with the remote postage evidencing system (col. 8, line 50).

14. As per claim 18, Pierce in view of Willoughby teaches the method of claim 14 as described above. Pierce further teaches connecting to the remote postage evidencing system using a wireline connection (col. 7, line 14).

15. As per claim 17, Pierce in view of Willoughby teaches the method of claim 14 as described above. Willoughby further teaches connecting to the remote postage

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evidencing system using a wireless connection (§ 0027). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Willoughby because wireless networks are known alternatives to other communications networks (as taught by Willoughby; § 0027). Moreover, this is merely the simple substitution of a wireless network for the wired network used for the same purpose as disclosed in Pierce, and could be implemented through routine engineering producing predictable results.

16. As per claim 20, Pierce in view of Willoughby teaches the method of claim 14 as described above. Pierce further teaches the local postage evidencing device is a postage meter (col. 11, line 65).

17. As per claim 21, Pierce in view of Willoughby teaches the method of claim 20 as described above. Pierce further teaches the local postage account is a register that reflects the amount of postage that is currently authorized on the device (col. 10, lines 60-62).

18. As per claim 24, Pierce in view of Willoughby teaches the method of claim 14 as described above. Pierce further teaches the local postage evidencing device is a personal computer coupled to a printer (col. 5, lines 24-25).

19. As per claim 25, Pierce in view of Willoughby teaches the method of claim 24 as described above. Pierce further teaches the local postage account is a stored value of postage that has been downloaded from an Internet-based postage service (col. 2, lines 47-49).

20. As per claim 26, Pierce in view of Willoughby teaches the method of claim 14 as described above. Pierce further teaches the remote postage account is an Internet-based postage service (col. 3, lines 51-55). Willoughby further teaches that the account is associated with a vendor (§ 0018), which would have been obvious to incorporate for the same reasons stated above with respect to claim 14.

21. As per claim 27, Pierce in view of Willoughby teaches the method of claim 14 as described above. Willoughby further teaches the remote postage evidencing account comprises a postage account established by the United States Postal Service (§ 0007).

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It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Willoughby because the USPS is the entity responsible for authorizing postage vendors that supply postage to be used in the USPS mail stream (as taught by Willoughby; ¶¶ 0003, 07).

22. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce, et al. in view of in view of Willoughby, et al. as applied to claim 14 above, further in view of Lee, et al., U.S. Pat. No. 5,742,683 (Reference C of the PTO-892 part of paper no. 20071012).

23. As per claim 19, Pierce in view of Willoughby teaches the method of claim 14 as described above. Pierce in view of Willoughby does not teach identifying a user to the local postage evidencing device using a biometric input; which is taught by Lee (col. 8, line 22). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Lee because biometric data is a known manner of securely authenticating users, similar to a password (as taught by Lee; col. 8, lines 17-22). Moreover, this is merely a combination of old elements in which each would serve the same function as it did separately, and the addition of this feature to the method disclosed by Pierce could be implemented through routine engineering producing predictable results.

24. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pierce, et al. in view of Willoughby, et al. as applied to claim 14 above, further in view of Eddy, et al., U.S. Pat. No. 5,812,400 (Reference D of the PTO-892 part of paper no. 20071012).

25. As per claim 22, Pierce in view of Willoughby teaches the method of claim 14 as described above. Pierce in view of Willoughby does not teach the local postage evidencing device is a postage dispensing kiosk; which is taught by Eddy (col. 3, line 57). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Eddy in order to provide the

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increased functionality and utility to kiosk meter users (as taught by Eddy; col. 3, lines 57-59). Moreover, this is merely the simple substitution of a kiosk for the terminal device used for the same purpose as disclosed in Pierce, and could be implemented through routine engineering producing predictable results.

26. As per claim 23, Pierce in view of Willoughby and Eddy teaches the method of claim 22 as described above. Pierce further teaches the local postage account is an amount of postage purchased by a user at the device (col. 5, line 41). Eddy further teaches the device is a kiosk which would be obvious for the same reasons as in claim 22 above.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Debois, U.S. Pat. No. 6,010,069 (Reference A of the attached PTO-892) teaches a remote postage meter resetting system includes apparatus for sending a request to recharge the postage meter by the postage recharge amount together with first data indicative of a first user prepaid postage account resident in a prepaid postage account data base having a plurality of prepaid postage accounts. Kara, U.S. Pat. No. 6,233,568 (Reference B of the attached PTO-892) teaches a method for dispensing postage or other authorization information electronically by using a portable processor containing a maximum amount of preauthorized postage which can be applied to any piece of mail or other item; wherein a plurality of shipping service providers may utilize the portable processor to store and dispense credit value for authorization of various shipping services. Thiel, U.S. Pat. No. 6,321,214 (Reference C of the attached PTO-892) teaches a method for data processing in a mail processing system, wherein the most beneficial carrier, among a number of available carriers, for shipping a particular item is determined by initializing the franking system with pre-selection of a group of carriers from which the desired carrier can be subsequently selected.

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28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. VETTER whose telephone number is (571)270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN W HAYES/
Supervisory Patent Examiner, Art Unit 3628